

MINUTES OF REGULAR MEETING HELD SEPTEMBER 13, 2016

Pursuant to rules of Council of the Town of Westfield, the members thereof convened in regular session Tuesday, September 13, 2016 at 8:00 p.m.

Acting Mayor Della Fera made the following announcements:

“Prior to convening in regular session, there was an agenda session which was open to public and advertised.”

“The adequate notice of this meeting as required by the Open Public Meetings Act, was provided by the posting, mailing and filing of the annual notice of regularly scheduled meetings of the Town Council on December 17, 2015. The notice was, on that date, posted on the bulletin board in the Municipal Building, mailed to THE WESTFIELD LEADER, AND THE STAR LEDGER, and filed with the Clerk of the Town of Westfield.”

PRESENT: Acting Mayor Della Fera, Council Members Arena, LoGrippo, Loughlin, Stokes

ABSENT: Mayor Skibitsky, Council Members Neylan, Donnelly, Oliveira

Invocation was given by Councilman Stokes

PRESENTATIONS

APPOINTMENT

Tree Preservation Commission

Gina Klemm (to fill un-expired term December 31, 2017)

ADVERTISED HEARINGS

PENDING BUSINESS

BIDS

MINUTES

On a motion by Councilman Loughlin seconded by Councilman Arena, Council approved the Minutes of the Town Council Conference Session held August 9, 2016 with Council Members LoGrippo and Stokes abstaining.

On a motion by Councilman Arena, seconded by Councilman Loughlin, Council approved the Minutes of the Town Council Meeting held August 9, 2016 with Council Members LoGrippe and Stokes abstaining.

PETITIONS AND COMMUNICATIONS

OPEN DISCUSSION BY CITIZENS

BILLS AND CLAIMS

Introduced by Councilman Arena, seconded by Councilman Stokes were adopted unanimously with Councilman Loughlin abstaining on Loughlin Law Firm.

RESOLVED that the bills and claims in the amount of \$1,255,815.30 per the list submitted to the members of this Council by the Chief Financial Officer, and approved for payment by the Town Administrator be, and the same are hereby, approved and that payroll warrants previously issued by the Chief Financial Officer be ratified.

REPORTS OF STANDING COMMITTEES:

Finance Policy Committee

The following resolutions, introduced by Councilman Arena seconded by Councilman LoGrippe were unanimously adopted.

(198) RESOLVED, that the Chief Financial Officer be and hereby is, authorized to draw warrant for unused parking permit fee as follows:

Mindy Forgash	Watterson Street/Lot 6	#16060120	\$175.00
835 Shackamaxon Dr.			
Westfield, NJ 07090			

(199) LET IT HEREBY BE RESOLVED that the Chief Financial Officer be and hereby is authorized to draw a warrant for refund of dumpster security payment(s) as follows following final inspection and approval by Town Engineer for return of deposit:

Janine Mesbah
438 Longfellow Ave.
Westfield, NJ 07090

Amount of refund: \$975.00

(200) RESOLVED that the Chief Financial Officer be authorized to draw a warrant in the amount of \$2,500 to the order of the United States Postal Service to replenish bulk mail permit no. 683 in order to process the Town's brochure.

(201) RESOLVED that the Chief Financial Officer be and he hereby is authorized to draw warrants to the following persons, this amount being overpaid for 2016:

BLOCK AND LOT

NAME AND ADDRESS	PROPERTY	AMOUNT
3010/1/C0036	515 Trinity Place	\$1,882.32
4904/14	1325 Boynton Avenue	\$3,915.28

SUR, Penelope

1325 Boynton Avenue

Westfield, NJ 07090

2604/9	877 North Avenue West	\$ 460.15
2604/10	875 North Avenue West	\$1,955.63

D VILLANE CONSTRUCTION, LLC

2376 SOUTH AVENUE

SCOTCH PLAINS, NJ 07076

3411/1	300 Wells Street	\$4,486.11
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(McDermott)

Foundation Title, LLC

214 Highway 18

East Brunswick, NJ 08816

4803/11.01	237 Elizabeth Avenue	\$3,883.99
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(Thomas)

Investors Bank

101 Wood Avenue South

Iselin, NJ 08830

5302/11

2 Lambert Circle

\$2,458.00

NILAND, Laura B.

2 Lambert Circle

Westfield, NJ 07090

(202) WHEREAS, there exist on the records in the Tax Collector's office sewer fee for property that is land only or the water has been shut off and should be removed from sewer billing for the year 2016 and allow refund for the year 2015:

NOW, THEREFORE, BE IT RESOLVED that the Tax Collector be and he hereby is authorized to cancel the sewer fee billing below for the year 2016:

<u>Account number</u>	<u>Amount</u>
169-0	\$170.00
5490-0	\$140.86
7417-0	\$134.75
1394-0	\$107.16
8459-0	\$170.00
8546-0	\$170.00
8657-0	\$134.75
5473-0	\$170.00
8516-0	\$134.75

WHEREAS, there exists properties that were not billed for 2016, these need to be allowed into the billing cycle:

<u>Account number</u>	<u>Amount</u>
9691-0	\$100.00

WHEREAS, there exist on the records in the Tax Collector's office sewer fee for land only property that were billed and need to be refunded for:

<u>Account number</u>	<u>property address</u>	<u>YEAR</u>	<u>Amount</u>
1394-0	649 Prospect Street	2016	\$62.84

RIZZO, Joseph Jr.

237 North 20th Street

Kenilworth, NJ 07033

8459-0	418 Montauk Drive	2015	\$19.60
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8546-0	9 Faulkner Drive	2015	\$19.60
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Robert Scherer

Gialluisi Homes

3 Greenwich Drive

Edison. NJ 08820

(203) A RESOLUTION TO AUTHORIZE THE NEGOTIATION AND EXECUTION OF AN AGREEMENT TO PROVIDE FOR CERTAIN PAYMENTS TO EASTGATE SQUARE CONDOMINIUM ASSOCIATION REPRESENTING THE ESTIMATED COSTS OF CERTAIN MUNICIPAL SERVICES THAT THE TOWN DOES NOT NOW PROVIDE TO THE RESIDENTS OF EASTGATE.

WHEREAS, applicable New Jersey Law, more particularly N.J.S.A. 40:67-23.2, et seq. requires municipalities to enter into agreements with qualified private communities located within those municipalities to provide for payments to such qualified private communities to compensate for certain services that the municipalities do not provide to the residents of such qualified private communities; and

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Westfield that the Mayor is hereby authorized to sign the agreement between the Town of Westfield and Eastgate Square Condominium Association for the period of January 1, 2016 through December 31, 2020.

(204) WHEREAS, the Town of Westfield is a member of the Suburban Municipal Joint Insurance Fund; and

WHEREAS, said renewed membership terminates as of December 31, 2016 unless earlier renewed by agreement between the Municipality and the Fund; and

WHEREAS, the Municipality desires to renew said membership;

NOW, THEREFORE, be it resolved as follows:

1. The Town of Westfield agrees to renew its membership in the Suburban Municipal Joint Insurance Fund and to be subject to the Bylaws, Rules, and Regulations, coverages, and operating procedures thereof as presently existing or as modified from time to time by lawful act of the Fund.
2. The Mayor and Clerk shall be and hereby are authorized to execute the agreement to renew membership and to deliver same to the Suburban Municipal Joint Insurance Fund evidencing the Municipality's intention to renew its membership.

**(205) AUTHORIZING EXECUTION OF AN AGREEMENT WITH THE
BERGEN COUNTY COOPERATIVE PURCHASING SYSTEM TO JOIN
MEMBERSHIP THEREIN FOR THE PERIOD OF OCTOBER 1, 2016
THROUGH SEPTEMBER 30, 2021**

WHEREAS, the Bergen County Cooperative Purchasing System has been conducting a Cooperative Purchasing System with participating Contracting units, utilizing administrative purchasing services to produce substantial economies in the purchase of goods and supplies; and

WHEREAS, the Town of Westfield desires to enter into an Agreement with the Bergen County Cooperative Purchasing System to join its membership for the period of October 1, 2016 through September 30, 2021.

BE IT RESOLVED, by the Town Council of the Town of Westfield, County of Union, State of New Jersey as follows:

1. The Town Council of the Town of Westfield hereby authorizes the execution of an Agreement with the Bergen County Cooperative Purchasing System dated October 1, 2016 pursuant to N.J.S.A. 40A:11-11(5). Said Agreement is to join the membership in the Bergen County Cooperative Purchasing System #CK04 – Bergen for a five (5) year period from October 1, 2016 through September 30, 2021.
2. The Town of Westfield Clerk is hereby directed to submit a copy of this adopted resolution, along with an executed Agreement to Bergen County Cooperative Purchasing System One Bergen County Plaza, Third Floor, Room, 331, Hackensack, New Jersey 07601.

3. This resolution shall take effect immediately upon final passage according to law.
4. All appropriate Town of Westfield officials are authorized and directed to perform all required acts to affect the purpose of this resolution.

(206) WHEREAS, the Union County Board of Chosen Freeholders is allocating matching grant dollars for recreational improvements in the municipality, allowing each municipality the opportunity to address their specific need; and

WHEREAS, the Recreation Commission of the Town of Westfield has determined that there is a need for bleacher installation throughout the Town of Westfield; and

WHEREAS, matching funds in the amount of \$62,475.00 will be certified by the Chief Financial Officer to be charged to account #5-600-076.

NOW THEREFORE BE IT RESOLVED the proper Town officials be, and hereby are authorized and directed to file an application with the Union County Open Space, Recreation & Historic Preservation Trust Fund for a "Kids Recreation Trust Fund" grant in the amount of \$62,475.00

BE IT FUTHER RESOLVED that the proper Town officials be, and hereby are, authorized and directed to enter into a contract as prepared by the Union County Law Department.

(207) WHEREAS, the Union County Board of Chosen Freeholders is allocating matching grant dollars for tree plantings in union county municipalities under their Greening Union County initiative; and

WHEREAS, the Town of Westfield desires to participate in the Greening Union County program; and

WHEREAS, matching funds in the amount of \$35,000.00 will be certified by the Chief Financial Officer to be charged to account #16-001-137-254.

NOW THEREFORE BE IT RESOLVED the proper Town officials be, and hereby are authorized and directed to file an application with the Union County Open Space, Recreation & Historic Preservation Trust Fund for a "Greening Union County" grant in the amount of \$35,000.00

BE IT FUTHER RESOLVED that the proper Town officials be, and hereby are, authorized and directed to enter into a contract as prepared by the Union County Law Department.

(208) WHEREAS, N.J.S.A.40A:4-87 (Chapter 159, P.L. 1948) provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by the law and the amount thereof was not determined at the time of the adoption of the budget, and

WHEREAS, the Director may also approve the insertion of any item of appropriation for an equal amount;

NOW, THEREFORE, BE IT RESOLVED that the Town of Westfield hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2016 in the sum of \$5,071.22, which is now available from the Division of Motor Vehicles, Drunk Driving Enforcement Fund; and

BE IT FURTHER RESOLVED that the like sum be, and the same is hereby appropriated under the following caption:

General Appropriations

Public and Private Programs Offset by Revenues

Drunk Driving Enforcement Fund \$5,071.22

BE IT FURTHER RESOLVED that one copy of this resolution be forwarded electronically to the Division of Local Government Services by the Chief Financial Officer.

Public Safety, Transportation and Parking Committee

The following resolutions, introduced by Councilman Loughlin, seconded by Councilman Stokes were unanimously adopted.

(209) WHEREAS, approximately one-third of all fatal traffic crashes in the United States involve drunk drivers; and

WHEREAS, impaired driving crashes cost the United States almost \$50 billion a year; and

WHEREAS, 27% of motor vehicle fatalities in New Jersey in 2013 (the last year for which complete data is available) were alcohol related; and,

WHEREAS, though the percentage of fatalities has declined slightly in recent years, impaired driving remains a significant issue, both in New Jersey and nationally; and

WHEREAS, the State of New Jersey, Division of Highway Traffic Safety has asked law enforcement agencies throughout the state to participate in the *2016 Drive Sober or Get Pulled Over Statewide Labor Day Crackdown* in an effort to reduce the rate of alcohol-impaired fatalities; and

WHEREAS, an enforcement crackdown was recently conducted by the Westfield Police Department over the Labor Day holiday weekend to combat impaired driving; and

THEREFORE, be is resolved that the Westfield Town Council does hereby declare its support for the *2016 Drive Sober or Get Pulled Over Statewide Labor Day Crackdown* both locally and nationally and pledges to increase future awareness about the dangers of drinking and driving.

Code Review & Town Property Committee

The following resolutions, introduced by Councilman Loughlin, seconded by Councilman LoGrippe were unanimously adopted.

(210) RESOLVED that the following applications for children's amusement devices be approved:

Seashore Amusements	Westfield Fall Festival	Jackie Sieb
11 Hendry Lane	September 25, 2016	11 Hendry Lane
Brick, NJ, 08723	East Broad Street	Brick, NJ, 08723

(211) RESOLVED that the application for the following liquor license renewal for the 2016-2017 licensing term be, and the same is hereby granted subject to full compliance with Alcoholic Beverage Law R.S. 33:1.1 et seq:

PLENARY RETAIL CONSUMPTION LICENSE

UT Westfield, LLC	115 Elm Street
2020-33-028-005	

CLUB LICENSES

Centennial Lodge 400 IBPOE of Westfield	444 West Broad Street
2020-31-020-001	

Regarding the following ordinance, Councilman Loughlin, made the following announcement:

I hereby move that an ordinance entitled, "GENERAL ORDINANCE NO. 2067 – AN ORDINANCE TO AMEND THE CODE OF THE TOWN OF WESTFIELD CHAPTER 13"

Heretofore introduced, does now pass on first reading, and that said ordinance be further considered for final passage at a meeting to be held on the 23rd day of September 2016 at 8:00 o'clock, p.m., or as soon thereafter as the matter can be reached, in the Council Chambers, 425 East Broad Street, Westfield, New Jersey, and that at such time and place or any time and place to which such meeting shall from time to time be adjourned, all persons interested be given the opportunity to be heard concerning said ordinance, and that the Town Clerk is hereby authorized and directed to publish said ordinance according to law with a notice of its introduction and passage on first reading and of the time and place when and where said ordinance will be further considered for final passage.

Seconded by Councilman LoGrippe.

The ordinance was approved by the following vote of all present upon roll call as follows:

Yeas: Arena	Nays:	Absent: Neylan
LoGrippe		Donnelly
Loughlin		Oliveira
Stokes		Mayor Skibitsky
Acting Mayor Della Fera		

Public Works Committee

Reports of Department Heads

Reports of Susan Noon, Collector of Taxes, showing taxes and sewer total collections of \$8,577,137.82 during the period July 1, 2016 to July 30, 2016

Report of Steve Freedman, Construction Official, showing monies collected for permits in the amount of \$92,234.00 for the month of July 2016 was received, read and ordered filed.

Report of David C. Wayman, Chief of the Police Department, showing fee collecting in the amount of \$1,445.25 during the month of June 2016.

Report of David J. Kelly, Chief of the Fire Department, showing Smoke Detector Fees collected in July 2016 in the amount of \$3,500.00, and Permit Fees \$345.00 was received, read and ordered filed.

Report of Kris McAloon, Town Engineer, stating he had turned over to the Chief Financial Officer check in the amount of \$19,132.00 representing monies collected during the month of July 2016.

Report of Carol Salvaggio, Certified Court Administrator, stating that she had turned over to the Chief Financial Officer check in the amount of \$63,745.36 representing fines and costs collected

in the Municipal Court and Violations Bureau during the month of July 2016 was received, read and ordered filed.

Upon motion by Councilman LoGrippe, seconded by Councilman Stokes the meeting was adjourned at 8:11 p.m.

Claire J. Gray

Town Clerk